

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

	§
United States of America,	§
<i>Plaintiff,</i>	§ Civil Case
vs.	§ (CDCS: 2018A45070)
	§
James Weisinger,	§
<i>Defendant,</i>	§
	§

Complaint

1. Jurisdiction

The District Court has jurisdiction because a federal agency is a party to this action and under the express authority granted to it by the United States Constitution Article III, Section 2, 28 U.S.C. § 1345 (2013).

2. Venue

Venue is proper in the Southern District of Texas, Houston Division, because the defendant resides in Willis and may be served at 9942 Calvary Road, Willis, Texas 77318. The defendant's process address is located in Montgomery County. 28 U.S.C. § 1391 (2013).

3. Breach of Contract

a. Defaulted Note

This action seeks recovery of a debt owed to the United States. The defendant has not repaid the debt as agreed. The amount owed includes:

CDCS 2018A45070

Principal	\$ 39,612.10
Interest as of .	
Attorney's fees	\$ 550.00
Balance due	\$40,162.10

Interest rate of 0% accrued at a daily rate of \$ 0.

The certificate of indebtedness, shows the total owed excluding attorney's fees and central intake facility charges. On the date of the certificate the principal and interest shown were correct after credits having been applied.

b. Failure to Pay

Demand for payment has been made by Plaintiff. Defendant has failed to pay the debt.

4. Prayer

The United States prays for the sums of the Balance due in paragraph 3 to include principal, interest, and attorney fees. Plaintiff prays for prejudgment interest through the date of judgment and other fees that the Court deems proper.

Respectfully submitted,

/s/ Clifton C. Kyle

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Social Security Administration
Office of Central Operations
Baltimore, Maryland 21241

CERTIFICATE OF INDEBTEDNESS

Claim Number: xxx-xx-5250

Debtor Name: James H. Weisinger
Address:

Total debt due the United States as of February 21 2018 is \$39612.10

I certify that the Social Security Administration records show that the debtor named above is indebted to the United States of America in the amount stated above.

The claim arose in connection with an overpayment of Social Security benefits.

Section 223(a) of the Act, as pertinent herein, provides for the payment of disability insurance benefits and, in effect, that entitlement to such benefits shall end with the close of the second month following the month in which the disability ceases. Under this section of the Act, no payments made to an individual who engages in substantial gainful activity.

The debtor named above was engaged in substantial gainful work activity and was not due any benefit payments for November 2010 through April 2012. The debtor received payments for November 2010 through April 2012. The auxiliaries also received payments for November 2010 through October 2011. The debtor and auxiliaries was in fact, paid benefits totalling \$39612.10, leaving an unsatisfied indebtedness of \$39612.10.

CERTIFICATION: Pursuant to 28 USC section 1746, I certify under penalty of perjury that the foregoing is true and correct.

Chris Goble
For Chris Goble
Associate Commissioner
Office of Central Operation
Date: February 21, 2018